



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 8230
Keith A. Miesel
Serial No.: 10/825,955 Filed: April 15, 2004
Examiner: Jeffrey Gerben Hoekstra Group Art Unit: 3736
Docket No.: 1023-362US01 Customer No.: 28863
Title: COLLECTING ACTIVITY AND SLEEP QUALITY INFORMATION VIA
A MEDICAL DEVICE

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on July 25, 2007.

By:

Name: Sarah Yonkovich

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This Information Disclosure Statement is being filed after a first Office Action on the merits but before a Notice of Allowance or a Final Rejection.

Applicant has enclosed a copy of each article cited and each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

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Shumaker & Sieffert, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Phone: (651) 735-1100
Fax: (651) 735-1102

Respectfully submitted,

By: Jason D. Kelly
Reg. No. 54,213

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Form 1449*

**INFORMATION DISCLOSURE
STATEMENT
IN AN APPLICATION**

(Use several sheets if necessary)

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3736

Examiner Name:
Jeffrey Gerben Hoekstra

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate
	5,275,159	01/04/1994	Griebel	
	5,469,861	11/28/1995	Piscopo et al.	
	5,904,708	05/18/1999	Goedeke	
	6,366,813 B1	04/02/2002	DiLorenzo	
	6,416,471 B1	07/09/2002	Kumar et al.	
	2002/0177882 A1	11/28/2002	DiLorenzo	
	6,819,956 B2	11/16/2004	DiLorenzo	
	2005/0021103 A1	01/27/2005	DiLorenzo	
	2005/0021104 A1	01/27/2005	DiLorenzo	
	6,881,192 B1	04/19/2005	Park	
	2005/0119703 A1	06/02/2005	DiLorenzo	
	2005/0215847 A1	09/29/2005	Heruth et al.	
	2005/0222626 A1	10/06/2005	DiLorenzo	
	2005/0240086 A1	10/27/2005	Akay	
	2005/0240242 A1	10/27/2005	DiLorenzo	
	2005/0245790 A1	11/03/2005	Bergfalk et al.	
	2006/0224191 A1	10/05/2006	DiLorenzo	
	2006/0293720 A1	12/28/2006	DiLorenzo	
	7,162,304 B1	01/09/2007	Bradley	
	2007/0073355 A1	03/29/2007	DiLorenzo	
	7,209,787 B2	04/24/2007	DiLorenzo	
	2007/0142862 A1	06/21/2007	DiLorenzo	

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
	198 31 109	01/13/2000	Germany	abstract	
	1 322 227 B1	12/28/2005	EP		
	WO 99/13765	03/25/1999	PCT		
	WO 03/024325	03/27/2003	PCT		

OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)

Amzica, "Physiology of Sleep and Wakefulness as it Relates to the Physiology of Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 488-503, (2002).

	Dinner, "Effect of Sleep on Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 504-513, (2002).
	Foldvary-Schaefer, "Sleep Complaints and Epilepsy: The Role of Seizures, Antiepileptic Drugs and Sleep Disorders," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 514-521, (2002).
	Mendez et al. "Interactions Between Sleep and Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 18(2), pp. 106-127, (2001).
	Kerr et al., "Analysis of the sit-stand-sit movement cycle in normal subjects," Clinical Biomechanics, Vol. 12, No. 4, pp. 236-245, (1997).
	Aminian et al. "Physical Activity Monitoring Based on Accelerometry: Validation and Comparison with Video Observation," Medical & Biological Engineering & Computing, vol 37, no. 2, pp. 304-308 (1999).
	Medcare – A Global Leader in Sleep Diagnostics, Embletta Recording System, http://www.medcare.com/products/diagnostic/embletta/ , 2 pgs. January 31, 2005.
	Medcare – A Global Leader in Sleep Diagnostics, Somnologica for Embletta, http://www.medcare.com/products/diagnostic/embletta/SomnoEmbletta/index.asp , 1 pg. January 31, 2005.
	MAP Medizin-Technologie GmbH, Poly-MESAM®, http://195.244.124.130/map/de/eng/map_med.nsf/cmsall/70564A3FCBE4188AC1256EF4... , 4 pgs. January 31, 2005.
	Merlin, http://www.aha.ru/~pir/english/merlin/ , 4 pgs. January 31, 2005.
	Sleep Solutions – PR Newswire: Sleep Solutions Introduces NovaSom™ QSG™ for PSG., http://www.sleep-solutions.com/press_room/novasom.htm , 2 pgs. January 31, 2005.
	Itamar Medical Information, http://itamar-medical.com/content.asp?id-id=31 , 2 pgs. January 31, 2005.
	Criticare System Inc., -504DX Portable Pulse Oximeter, http://www.csiusa.com/504dx.html , 4 pgs. January 31, 2005.
	Snap® Laboratories, Product Fact Sheet, http://www.snaplab.com/mp_fact.htm , 2 pgs. January 31, 2005.
	Sleep Strip & Bite Strip, http://www.quietsleep.com/snoringapnea/sleepstrip.htm , 8 pgs. January 31, 2005.
	"Bitestrip Flier," downloaded from Internet Archive of www.quietsleep.com dated January 29, 2005 http://web.archive.org/web/20041124080003/www.quietsleep.com/pdf/Bitestrip+Flier.pdf .
	"Bilateral Comparisons of the BiteStrip Bruxism Device and Masseter EMG Bruxism Events" downloaded from Internet Archive of www.quietsleep.com dated January 29, 2005 http://web.archive.org/web/20041124075114/www.quietsleep.com/pdf/Bilateral+Comparisons.pdf .
	"The BiteStrip: A Novel Screener for Sleep Bruxism," downloaded from Internet Archive of www.quietsleep.com dated January 29, 2005 http://web.archive.org/web/20041124072922/www.quietsleep.com/pdf/BiteStrip-+Novel+Screener.pdf .
	Office Action dated July 5, 2006 for Application Serial No. 10/825,953, filed April 15, 2004, (11 pgs.)
	Responsive Amendment dated October 5, 2006 for Application Serial No. 10/825,953 filed April 15, 2004 (17 pgs.)
	Office Action dated December 28, 2006 for Application Serial No. 10/825,953, filed April 15, 2004, (9 pgs.)
	Response dated February 28, 2007 for Application Serial No. 10/825,953 filed April 15, 2004 (7 pgs.)

	Office Action dated April 3, 2007 for Application Serial No. 10/825,953, filed April 15, 2004, (8 pgs.)
	Responsive Amendment dated June 28, 2007 for Application Serial No. 10/825,953 filed April 15, 2004 (19 pgs.)
	Office Action dated July 3, 2007 for Application Serial No. 10/826,925, filed April 15, 2004, (22 pgs.)
EXAMINER	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Based on Form PTO-FB-A820
(Also form PTO-1449)

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